

THE SPIRIT OF DEMOCRACY.

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POETRY.

YOUTH AND AGE.

I often think that each tottering form
That limps along in life's decline,
Once bore a heart as young, as warm,
As full of life thoughts as mine!

And each has had its dreams of joy,
Its own unequalled, pure romance;
Commencing when the blushing boy
First thrills at woman's lovely glance.

And each could tell his tale of youth,
Would think its scenes of love evince
More passion, more unearthly truth
Than any tale before or since.

Yes! they could tell of tender lays
At midnight penned in classic shades,
Of days more bright than modern days,
And made more fair than modern maid.

Of whispers in a willing ear;
Of kisses on a blushing cheek;
Each kiss, each whisper far too dear
Our modern lips to give or speak.

Of passions too untimely crossed;
Of passions slighted or betrayed—
Of kindred spirits early lost,
And buds that blossomed but to fade.

Of burning eyes and tresses gay,
Of elastic form and noble brow,
And forms that have all passed away,
And left them what we see them now.

And is it thus—human love
So very light and frail a thing?
And must youth's brightest vision move
Forever on time's restless wings?

Must all the eyes that still are bright,
And the lips that talk of bliss,
And all the forms so fair to sight,
Hereafter only come to this?

Then what are earth's best visions worth,
If we at length must lose them thus—
If all we value most on earth
Ere long must fade away from us.

CARRY ANDERSON.

BY M. A. D.

"And so you won't have me?"
"No, that I won't," retorted the little
fair faced beauty, tossing her head. "I
will marry a rich man if I live, not a beg-
gar, papa says, and I'm sure you ain't
likely to be worth anything. You're only
good to milk cows, go errands and the like
for your mother."

This speech stung the heart of poor lit-
tle Jansen. He loved his school-girl com-
panion with a boyish enthusiasm, that un-
der other circumstances might have ripened
into an idolatrous affection. They had
been laughing innocently telling who they
liked best, as they came by the fresh, bright
meadows, on their way from school; and
Jansen, with a blush on his fair cheek,
said how one of these days, he meant to
marry little "Queen Mab," for that was
what they called the belle of the school-
room.

Now, however, he left her side, his bosom
swelling high, and his great blue eyes,
although he was a manly boy, filled with
shining tears.

Presently he felt something touch his
hand and looked down and saw another
hand, small and white. And by his side
there crept a delicate little figure, and a
passing sweet face looked up in his own.

"Don't cry, dear Jansen, don't feel sor-
ry any more; I'll be your wife."

Instinctively he put his arm around the
little creature—for she was lame, and lean-
ed for support, like a loving tendril upon
everything she neared. And every time
her gentle, dark eyes looked into his own,
he was comforted; and every pretty word
that fell from her rosy lips soothed the an-
guish that to a child, is keener than the
sorrow of age.

"I'm going to seek my fortune, uncle
John," said Jansen, now growing tall and
robust; "I thought I must come and say
good-bye."

"Mum!" said the old man looking up
with a scowl; "rolling stones gather no
moss. Better stay at home and peg shoes.
You'll be a disgrace to your mother—
say to your family, to the village. What
on earth you'll come to, Providence only
knows, but if I had ye, precious little time
you'd get to go strolling around like a vag-
abond. Want a pair of shoes, I s'pose,
but I shan't give 'em to you."

"Good-bye, uncle John," said Jansen,
again pressing his hat on hard, and biting
his lip to keep his anger in.

"Good-bye, you little fool," growled the
old man, never taking his eyes from his
work.

"Not so foolish as you think, uncle,"
exclaimed Jansen stoutly; "may be," he
added most fiercely, "you will live to see
the day that you'll be proud to say you
ever spoke to me."

The old man looked up and rolled his
little eyes, but Jansen had gone; so he on-
ly muttered a "pshaw!" and went rest-
lessly to work again.

Away rattled the coach, and the little
cur that trotted a somewhat early time the
whip cracked, followed it till it gained the
high-way, and then came trudging back
to the white cottage where his master liv-
ed, and set himself doggedly at the gate.

In that pretty white cottage, in its best
chamber, lame Carry stood at the window,
weeping, yet smiling in the midst of her
tears. She had peeped through the half
closed window-blinds to watch the stage
as it passed, and after it had gone, she had
turned once again to the little note, folded
in her hand and opened it, read it over
and over again:

"DEAR CARRY.—If I should be gone for
long years, forget not that sweet promise
that you made when we were children. I
shall never forget the words—"don't cry,
dear Jansen, don't feel sorry any more,
I'll be your wife." Ah! you know not
what consolation they were to the heart of
the poor boy."

Happy, happy Carry. How she felt re-

paid in the love of one pure heart, for long
years of sorrow. Many a time had she
looked in her mirror, and murmured—
"My face is fair, but who will love me—for
I am lame." Now she felt in her inmost
soul, that her image was treasured by the
very being, who of all others, she loved
and respected most. She felt that she
could even bear the sneers and smiles of
"Queen Mab"—the brilliant beauty and
heartless coquette. No matter if she did
call her "that poor little thing," now.

"A little the handsomest pair of horses
I ever seen," said old John Grafton, as he
hastened to his work with a newly peg-
ged boot in his hand.

"Yes, and it's a grand gentleman, what's
got out and gone into your shop," said
the fellow who stood patiently holding the
rein, and says if I'll go down to widow
Anderson's cottage for him, he'll give me
one dollar."

Old John fumbled among his grey locks
a moment, and gave a general shrug to see
if he was all right to meet "quality," be-
fore he hurried into his shop. A tall per-
sonage with a cloak of rich broad-cloth
falling from his shoulders, stood near the lit-
tle window. He turned, smiles gathered
round a finely formed mouth; light spark-
led in a pair of proud deep eyes. He held
forth his hand at John Grafton's humbled
obedience, exclaiming, "good morning, un-
cle John. I'll take that pair of shoes now."

Words cannot depict the consternation,
surprise and pleasure of the old man; he
stammered and stuttered, and kept saying,
"well, raly, raly," and when his visitor left
him after giving him a world of news, all
he could do was to pick up his boot, and
put it down again, repeatedly mumbling,
"well, raly, raly."

And raly, wasn't the whole town in an
uproar to find the noble stranger, their
poor, despised little Jansen come back a
man? Everybody said to everybody, with
sagacious nods and winks, "just as I
thought." Indeed though consternation
was the ruling emotion, nobody was in the
least surprised save Carry.

She knew he had returned—rich, hand-
some, but all he must have forgotten her.
She felt as if she would have given the
world to see him, yet shrink from the
thought of what she had said so many years
ago.

A great party at queen Mab's and Car-
ry invited! What new freak now? Strange
to say, she felt impelled to go, and her
trembling fingers eagerly fastened in her
pale soft tresses, the humble white buds
that she had broken from her cherished
rose-bush.

"You look beautiful, love," said the fond
mother, smoothing down the snowy dress,
and arranging the pretty curls that clung
to the blushes on her cheek, "you do look
so beautiful to night."

"Ah!" sighed Carry, but she sighed it
to herself—"but I am lame—and if he
should see me there!"

It was late when Jansen arrived. Where-
ever he moved he met smiles and spark-
ling eyes, the beautiful "queen Mab," she
who had slighted his youthful love, and
repaid it with insult—she was ready to
bow before him now. Her cheek kindled
at his approach, but he turned away cold-
ly bowing, and in another moment with a
start of pleasure he was by the side of
Carry Anderson, speaking to her in low
rich tones.

Nobody heard them but she, and how
they made her heart leap.

"Carry, have you forgotten the promise?
I have come to claim you."

And thus childish sympathy was repaid.
Carry, the wife of the wealthy merchant,
happy in his love and that of her children,
never regrets now that she is lame.

An Erect Position.

A writer on health very justly condemns
the habit of lounging, in which a large
number of persons indulge, as injurious to
health. He says: "An erect bodily atti-
tude is of vastly more importance to health
than is easily imagined. Crooked bodily
positions, maintained for any length of
time, are injurious, whether in the sitting,
standing or lying posture, whether sleep-
ing or walking. To sit with the body lean-
ing forward on the stomach, or to one side,
with the heels elevated to a level with the
head, is not only in bad taste, but exceed-
ingly detrimental to health. It cramps the
stomach, presses the vital organs, inter-
rupts the free motion of the chest, and en-
feebls the functions of the abdominal and
thoracic organs, and in fact, unbalances
the whole muscular system. Many chil-
dren become hump-backed, or severely
round-shouldered, by sleeping with the
head raised on a high pillow. When a
person finds it easier to sit or stand, walk
or sleep in a crooked position than a straight
one, such a person may be sure that his
muscular system is badly deranged, and
the more careful he is to preserve a straight,
or upright position, and get back to nature
again, the better."

Marriage.

When youth weeds youth for love, it is
beautiful; when youth weeds age for money,
it is monstrous, and only hate, misery and
criminality can come from it. Of those
"three sudden comers" who marry their
grandfathers and grandmothers, old Thom-
as Fuller says, with equal truth and wit—
"They that marry ancient people merely
in expectation to bury them, hang them-
selves in hopes some one may come and
cut the halter."

"It is a terrible thought," said a
recently deceased writer, "to remember
that nothing can be forgotten. I some-
where read that not an oath is uttered that
does not continue to vibrate throughout all
time, in the wide spread current of sound
—not a prayer lifted that is not to be
found stamped on the walls of water, by
the indelible seal of the almighty will."

WIDE AWAKE.—A good lady refused,
the other day, to let her daughter dance
with a young gentleman, because she un-
derstood that he was a Bachelor of Arts.

Change.

True it is that the wind, the clouds, the
waves, are emblems of Change.—Creation
itself, the winding rivulet, the mighty
ocean, the smiling valley, and the lofty
mountain, earth and universe, bow in ob-
edience to thy laws. Upon the flowers thou
writest decay; and all that was once beau-
tiful has withered and died. To the for-
est, that stretches forth its myriad arms
and strength, thou biddest the whirlwind
hie—and lo! earth receives her shrinking
children, prostrate upon her breast. Thou
touchest the mountain's side, and the thun-
dering avalanche buries the rivulet's foun-
tain head. Thou starest earth's central
fires, and as her bosom heaves in convul-
sive throes, old ocean rolls over the tow-
ering mountain's peak; where the valley
smiled, the volcano belches forth its lurid
flames, and where far down beneath the
waters, the pale, pearl-lily of the ocean,
once shed her soft light o'er coral beds,
the desert's sand whirls the dread sirocco's
breath.

Change but whispers to the seasons, and
blushing spring, clothed in her emerald
robes of state—crowned with her flower-
gemmed diadem, and waving her sceptre
over earth, bids beauty fling her choicest
treasures forth. Then summer, with her
hot breath, reigns awhile. Then autumn,
as she sits in pleasure on her golden throne
flings her rainbow scarf upon the forest
and bids beauty put on her most gorgeous
robes ere she dies. Lastly comes winter—
dread sovereign of an empire of frost
and shaking his white locks, chants in
dismal wail, a requiem to the departed
seasons and dying year.

It is the twilight hour. Change waves
her mystic wand—night rushes forth from
her cavern house, and as she weaves her
web of darkness, studs it with her million
gems of light. Again, Change waves her
wand; and over the East is cast a silver
light—anon it seems like molten gold, then
slowly rising from her rosy couch, the "God
of Day," in proud majesty, ascends his
throne—the heavens.

Friendship throws her golden chains
around the human heart, and we are bound
together in their sacred bonds. Change
but breathes her blasting breath upon the
sacred links; they are broken asunder,
and the eye that once beat warm towards
us, grows strangely cold, and we are
friends no longer. Affection clasps us in
her arm embrace. We yield to love's
gentle power. The brightest attributes of
human nature are called forth. Sympathy
meets kindred sympathy. Love reigns
supreme. All is happiness. The past is
forgotten. The future cast no shade for-
ward. The present yields nought but bliss.

But even here change works her dread
spells, and weep over our blighted hopes.
A shrine desecrated, and an altar, the ho-
liest ever raised in earthly devotion, laid
in ruins leaving its temple lone and deso-
late.

Youth, ere manhood has left the traces
of care upon the brow, dreams of fame,
and fancies, as he build gorgeous castles
for the future that they may be real. Hope
bounds high in the young bosom. Ambition
bids him carve his name high upon the
column that gratitude rears to departed
greatness. Nobly resolved to dare and
do, he bends his energies to the task.
After long years of toil, the summit is
reached, and fame stands waiting to drop
her wreath upon his brow. But Change,
waiting at the fountain of his life, grasps
the golden bowl and dashes it to earth.—
The spirit takes its flight from the earth.
The mortal has become immortal—the
soul has ascended to its God, eternal and
unchanging.

Heaven.

Were there a country on earth uniting
all that is beautiful in Nature, all that is
great in virtue, genius, and the liberal arts,
and numbering among its citizens, the most
illustrious patriots, poets, philosophers, and
philanthropists of our age, how eagerly
would we cross the ocean to visit it! And
how immeasurably greater is the attraction
of Heaven! There live the elder brethren
of the creation, the sons of the morning
who sing for joy at the creation of our race;
there, the great and the good of all ages
and climes; the friends, benefactors, deliv-
ers, ornaments of their race; the patri-
arch, prophet, apostle, and martyr; the
true heroes of public, and still more of
private life, the father, mother, husband,
wife, child, who unrecorded by man, have
walked before God, in the beauty of love
and sacrificing virtue; there, are all who
have built up in our hearts the power of
goodness and truth, the writers from whose
pages we have received the inspiration of
pure and lofty sentiments; the friends
whose countenance have shed light through
our dwellings, and peace and strength
through our hearts; there, they are gather-
ed together, safe from every storm, and
triumphant over every evil, and they say
to us, come join us in our everlasting bleas-
sness; come and bear part in our song of
praise, share our adoration, friendship,
progress and works of love.

Remember

Every loathsome inmate of Peniten-
tiaries and State Prisons, was once a gen-
tleman, and prattling child; and every
criminal that has expiated his crimes up-
on the gallows, was once pressed to a
mother's breast, and drew from her breast
the life-giving nourishment. Bad moral
training, wrong influences, and debasing
examples do their work, and transform en-
dearing offspring to ferocious men, who
shock humanity by the foulness of their
guilt, and the monstrous audacity of their
crimes. Yet how seldom has one of these
direful transformations been effected with-
out the aid of strong drink!

We walked to church on Sunday
morning behind "the girl with a hole in the
heel of her stocking." It was a very large
one, and we thought her heel must be cold.
She probably knew of it on Saturday, but
remembered the Sabbath day, and kept it
hole-y.

Home and Woman.

Our homes, what is their corner stone,
but the virtues of woman; and on what
does social well being rest but our home?
Must we not trace all other blessings of
civilized life to the doors of our private
dwellings? Are not our hearth scenes,
guarded by the holy forms of conjugal,
filial and parental love, the corner stone
of church and state? More sacred than
either, more necessary than both? Let
our temples crumble, and our academies
decay—let every public edifice, our halls
of justice, and our capitols of state, be lev-
eled with the dust, but spare our homes.
Man did not invent, and he cannot im-
prove or abrogate them. A private shel-
ter, to cover two hearts dearer to each
other than all else in the world; high walls
to exclude the profane eyes of every hu-
man being; seclusion enough for children
to feel that mother is a holy and peculiar
name—this is home; and here is the birth-
place of every virtuous impulse, of every
sacred thought. Here the church and
state must come for their support. Oh!
spare our homes! The love we experience
gives us our faith in an infinite goodness;
the purity and disinterested tenderness of
home is our fore-taste and our earnest of
a better world. In the relations there es-
tablished and fostered, do we find through
life the chief solace and joy of existence.
What friends deserve the name compared
with those whom a birth gave us. One
mother is worth a thousand friends—one
sister dearer and truer than twenty in-
timate companions. We, who have play-
ed on the same hearth-stone, under the
lights of the same smile, who do back to
the same scenes and seasons of innocence
and hope, in whose veins run the same
blood, do we not find that years only make
more sacred and important the tie that
binds us? Coldness may spring up, dis-
tance may separate, different spheres may
divide—but those who can love anything,
who continue to love at all, must find the
friends whom God himself gave, are whol-
ly unlike any we can choose for ourselves,
and that the yearnings for these are the
strongest spark in our expiring affections.
—Christian Enquirer.

Prim People.

There is a set of people whom I cannot
bear—the pinks of fashionable propriety—
whose every word is precise, and whose
every movement is unexceptionable; but
who, though well versed in all the cate-
gories of polite behavior, have not a particle
of soul or of cordiality about them. We
allow that their manners may be abundantly
correct. There may be elegance in every
gesture, and gracefulness in every po-
sition; not a smile out of place, and not a
step that would not bear the severest sur-
 scrutiny. This is all very fine; but what I
want is the heart and gaiety of social intercourse
—the frankness that speaks ease and an-
imation—the eye that glances affably to all,
that chases timidity from every bosom.
And tells every man in the company to be
confident and happy. This is what I con-
ceive to be the virtue of the text, and not
the sickening formality of those who walk
by rule, and would reduce the whole of hu-
man life to a wire bound system of misery
and constraint.—Dr. Chalmers.

A Truthful Allegory.

A traveler was pursued by a unicorn.
In his affright he fell, and as a falling man
he caught at whatsoever was in his way:
looked behind him and saw a fearful pre-
cipice. He looked back and saw the uni-
corn ready to destroy him. He looked a-
gain before, and saw a hideous dragon
with jaws gaping to receive him. He look-
ed to the roots of the tree and saw two
rats, one white and the other black, gnaw-
ing alternately at them.

He looked among the branches of the
tree, and saw it filled with poisonous asps,
ready to sting him; but from their lips
dropped honey. Regardless of surround-
ing danger, he caught the honey, ate it,
and perished.

O reader! O, man! see here thyself!
The tree is life, the unicorn death, the
precipice poverty; the dragon thy destruc-
tor; the rats day and night numbers the
hours of thy stay on earth; the asps thy
hot passions; the honey pleasure, of which
thou partakest to thy eternal ruin.

A Gem.

The little I have seen of the world and
know of the history of mankind, teaches
me to look upon the errors of others in sor-
row, not in anger. When I take the his-
tory of one poor heart that has sinned and
suffered, and present to myself the strug-
gles and temptations it has passed through;
the brief pulsations of joy; the feverish in-
quietude of hope and fear—the tears of re-
pent—the feebleness of purpose—the pres-
sure of want—the desertion of friends—the
scur of a world that has little charity—the
desolation of the soul's sanctuary, and
threatening vices within—health and hap-
piness gone—I would be fain to leave the
erring soul of my fellow man with Him
from whose hand it came.

The Present Moment.

There is no moment like the present;
not only so, but moreover, there is no mo-
ment at all, that is, no instant force and
energy, but in the present. The man who
will not execute his resolutions when they
are fresh upon him can have no hope when
they are afterwards; they will be dissipated,
lost and perish in the hurry and skurry of
the world, or sunk in the slough of indol-
ence.—Self Culture.

The common fluency of speech, in
many men, and most women, is owing to
a scarcity of matter and a scarcity of
words; for whoever is master of a language
and has a mind full of ideas, will be apt
in speaking to hesitate on both; whereas,
common speakers have only one set of
ideas, and one suit of words to clothe them
in; and these are always ready at the
mouth—so people can come faster out of
church when it is almost empty, than when
a crowd is at the door.—Swift.

LAWS OF OHIO:

PUBLISHED BY AUTHORITY.

AN ACT
Of the Jurisdiction and Procedure before
Justices of the Peace, and of the Duties
of Constables in Civil Cases.

[CONCLUDED.]

ARTICLE XII.

EXECUTION—RETURN—STAY OF EXECUTION—
NOTICE OF SALE—DELIVERY—UNDERTAK-
ING.

§ 154. Execution for the enforcement
of a judgment before a justice of the peace
(except when it has been taken to the com-
mon pleas on error, or appeal, or dock-
eted therein, or during the time it may be
stayed, as provided by this act,) may be
made by the justice before whom the judg-
ment was rendered, or by his successor in
office, on the application of the party en-
titled thereto, at any time within five years
from the entry of the judgment, or the date
of the last execution issued thereon.

§ 155. It shall be the duty of the jus-
tice, if the case be not appealed, taken up
on error, docketed in the common pleas,
or bail has not been given for the stay of
execution at the expiration of ten days
from the entry of the judgment, to issue
execution without a demand, and proceed
to collect the judgment, unless otherwise
directed by the judgment creditor.

§ 156. Any person against whom judg-
ment may be rendered under the provi-
sions of this act, except as hereinafter ex-
cepted, may have stay of execution for the
several periods hereinafter mentioned, by
entering into an undertaking to the adverse
party, within ten days after the rendition
of such judgment, with good and sufficient
surety, resident of the county, as the jus-
tice shall approve, conditioned for the pay-
ment of the amount of such judgment, in-
terest and costs, and costs that may ac-
crue; which undertaking shall be entered
on the docket of the justice, and be signed
by the surety.

§ 157. The stay of execution hereby
authorized, shall be graduated as follows,
namely:

First: On any judgment for five dollars
and under, the stay shall be for sixty
days.

Second: On any judgment exceeding
five dollars, and under twenty dollars, the
stay shall be for ninety days.

Third: On any judgment for twenty dol-
lars, and under fifty dollars, the stay shall
be for one hundred and fifty days.

Fourth: On any judgment for fifty dol-
lars or upwards, the stay shall be for two
hundred and forty days.

Fifth: Where judgment is obtained a-
gainst a surety, and he takes a stay there-
on, and he obtains judgment against the
principal, stay of execution must be allow-
ed on the judgment against the principal
only so long that the stay will expire one
month before that allowed to the surety on
the judgment against him.

§ 158. No stay of execution on judg-
ments rendered in the following cases,
shall be allowed:

1. On judgments rendered against just-
ices of the peace for refusing to pay over
money by them collected, or received in
their official capacity.

2. On judgments against justices for not
reporting annually to the Auditor all fines,
as required by law.

3. On any judgment rendered against
a constable for failing to make return,
making a false return, or refusing to pay
over money collected in his official capac-
ity.

4. On judgments against bail for the
stay of execution.

5. Where judgment is rendered in favor
of bail who have been compelled by judg-
ment to pay money on account of their
principal.

6. On judgments obtained by constab-
les on undertakings executed to them for
the delivery of property.

§ 159. If the execution issued before
the undertaking for stay, or that required
in case of appeal be given, and such un-
dertaking be given afterwards, and within
the time allowed, the justice shall recall
the execution.

§ 160. Where any person who has be-
come bail for stay of execution, shall re-
move before the expiration of such stay,
into any other county or State, the justice
shall, on demand, issue execution against
the goods and chattels of the defendant,
or other party against whom the original
judgment was rendered, to be proceeded
with as in other cases.

§ 161. When any surety for the stay
of execution shall become apprehensive
that by delaying the execution until the
expiration of the full time of such stay, he
or she may be compelled to pay the judg-
ment, it shall be lawful for such surety to
make and file affidavit of that fact, before
the justice on whose docket the judgment
is entered; whereupon, such justice shall
issue execution against the judgment deb-
tor, which shall be proceeded in as in other
cases: Provided, such bail shall not there-
by be discharged from liability, but may
be proceeded against after the expira-
tion of the term of stay, in the same
manner as if execution had not issued as
aforesaid.

§ 162. If the judgment debtor shall,
within ten days after levying such execu-
tion, enter into a further undertaking for
the stay of execution, during so much of
the first stay as remains then unexpired,
and shall pay the costs of the execution
issued against him, as aforesaid, it shall
be the duty of the justice to take such fur-
ther undertaking, and recall the execution;
and the person who last became surety,
shall first be proceeded against, until it
shall appear, by the return of the constable,
that he or she has no goods and chattels
whereon to levy, before proceedings shall
be instituted on the undertaking first
given.

§ 163. When any judgment shall be
obtained against any person who shall have
entered himself bail on the docket of any
justice of the peace, agreeably to the pro-
visions of this act, the original judgment

shall remain good and valid in law, for the
use of such bail; who, at any time there-
after, may sue out execution, on such
judgment, against the goods and chattels
of the defendant, for the use of such bail,
which shall be so endorsed by the justice;
and such bail shall also be entitled to a
transcript of such judgment, for his own
use; which shall have the same force and
effect as transcripts in other cases.

§ 164. At any time before the stay
shall expire, if the justice taking the sure-
ty, or his successor in office, shall become
satisfied that the surety is insufficient, it
shall be his duty to cause written notice
thereof to be given to the defendant, or if
he be absent, that the same be left at his
residence, requiring him to give addition-
al surety. If such defendant shall not
have given additional surety, on or
before the third day after the giving of such
notice, such fact shall be entered on the
docket, and he shall immediately issue ex-
ecution against the defendant for the col-
lection of the judgment. If within ten
days after the issuing of such execution,
surety to the satisfaction of the justice be
given, the execution shall be recalled and
stayed until the expiration of the original
stay.

§ 165. The execution must be directed
to a constable of the county, and subscribed
by the justice by whom the judgment was
rendered, or by his successor in office, and
must bear date the day of its delivery to
the officer, to be executed. It must intelli-
gibly refer to the judgment by stating the
names of the parties and the name of the
justice before whom, and of the county
and township where, and the time when
it was rendered, the amount of the judg-
ment, and if less than the whole is due,
the true amount due thereon. It must re-
quire the constable substantially as fol-
lows:

1. If it be a case where the defendant
cannot be arrested, it must direct the offi-
cer to collect the amount of the judgment
out of the personal property of the debtor,
and pay the same to the party entitled
thereof.

2. If it be a case where any of the judg-
ment debtors are certified on the docket
as surety, it shall command that the money
be made of the personal property of the
principal debtor, and for want thereof,
of the personal property of the surety. In
such cases, the personal property of the
principal subject to execution within the
jurisdiction shall be exhausted before any
of the property of the bail shall be taken
in execution.

3. If it be a case where the defendant
may be arrested, in addition to the forego-
ing, it must direct the officer, if sufficient
property of the defendant subject to the
execution cannot be found to satisfy the
judgment, that he arrest the debtor and
commit him to the jail of the county until
he pay the judgment, or be discharged ac-
cording to law, unless the execution be
accompanied by an order of arrest, as
provided in sections twenty-six and twenty-
seven.

It must in all cases direct the officer
to make return of the execution and a cer-
tificate thereon, showing the manner in
which he has executed the same, in thirty
days from the time of his receipt thereof.

§ 166. Upon an execution on a judg-
ment against joint debtors, upon one or
more of whom the summons was not serv-
ed, the execution must contain a direction
to collect the amount out of the joint prop-
erty of all the defendants, or the separate
property of the persons upon whom the
summons was served, to be specified by
name. If such judgment be also such
that the defendants are subject to arrest
thereon, the justice must further specify the
names of those defendants served with the
summons, who may be arrested for want
of property.

§ 167. A constable may, at his peril,
omit to arrest a debtor, or after arrest,
suffer him to go at large before the return
day, subject only to his liability for an
escape, or for omitting to arrest if he fail
to have either the money or the person of
the debtor in custody at the expiration of
the thirty days.

§ 16